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Attorney for  
ROBERTO PASCACIO-GARCIA

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
ROBERTO PASCACIO-GARCIA,  
  
Defendant.

Case No. 2:19-cr-00305-APG-NGK

**STIPULATION TO CONTINUE  
SENTENCING DATE**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas Trutanich, United States Attorney and Simon Fanzong Kung, Assistant United States Attorney, counsel for the United States of America, and Shawn R. Perez, Esq., counsel for Defendant Roberto Pascacio-Garcia, that the Sentencing currently scheduled for December 2, 2020, be vacated and continued to a date and time convenient to the Court, but no sooner than January 4, 2020.

This stipulation is entered into for the following reasons:

1. Defendant Roberto Pascacio-Garcia, primarily a Spanish speaker, is in custody at Nevada Southern Detention Center in Pahrump.
2. As a result of Pandemic and the related health concerns, counsel for the defendant has been limited in his contact with Mr. Pascacio and further limited by the delays in having documents translated and sent to him.
3. A brief continuance of 30 days is requested to allow sufficient time for Mr. Pascacio to review a translated version of the sentencing memorandum that will be filed in this case.

1 4. The Defendant is in custody and agrees to a continuance.

2 5. Counsel for the parties agree to the continuance.

3 6. The additional time requested herein is not sought for purposes of delay, but merely  
4 to allow counsel for defendant sufficient time within which to be able to effectively discuss  
5 the sentencing proceedings and the memorandum that will be filed on his behalf. Denial of  
6 this request could result in the miscarriage of justice.

7 7. The additional time requested by this Stipulation is excludable in computing the time  
8 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
9 United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18,  
10 United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

11 8. This is the first stipulation to continue sentencing.

12 DATED this 24th day of November, 2020.

13  
14 Law Office of Shawn R. Perez

15 By: /s/ Shawn R. Perez  
16 Shawn R. Perez, Esq.  
17 Counsel for Defendant  
18 Roberto Pascacio-Garcia

NICHOLAS TRUTANICH  
United States Attorney

By: /s/ Simon Fanzong Kung  
Simon Fanzong Kung  
Assistant United States Attorney

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
ROBERTO PASCACIO-GARCIA,  
  
Defendant.

Case No. 2:19-cr-00305-APG-NGK

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER ON STIPULATION TO  
CONTINUE SENTENCING**  
(First Request)

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Roberto Pascacio-Garcia, primarily a Spanish speaker, is in custody at Nevada Southern Detention Center in Pahrump.
2. As a result of Pandemic and the related health concerns, counsel for the defendant has been limited in his contact with Mr. Pascacio and further limited by the delays in having documents translated and sent to him.
3. A brief continuance of 30 days is requested to allow sufficient time for Mr. Pascacio to review a translated version of the sentencing memorandum that will be filed in this case.
4. The Defendant is in custody and agrees to a continuance.
5. Counsel for the parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively discuss the sentencing proceedings and the memorandum that will be filed on his behalf. Denial of this request could result in the miscarriage of justice.
7. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,

1 United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18,  
2 United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

3 8. This is the first stipulation to continue sentencing.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of  
6 the public and the defendant in a speedy trial, since the failure to grant said continuance  
7 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient  
8 time and the opportunity within which to be able to effectively and thoroughly prepare  
9 sentencing, taking into account the exercise of due diligence.

10 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
11 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United  
12 States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

13 **ORDER**

14 IT IS THEREFORE ORDERED the sentencing currently scheduled for December 2,  
15 2020, be vacated and continued to January 6, 2021 at the hour of 2:00 p.m. courtroom 6C.

16 DATED this 24th day of November, 2020.

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18 HONORABLE ANDREW P. GORDON  
19 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24<sup>th</sup> day of November, 2020, the undersigned served the foregoing on all counsel herein by causing a true copy thereof to be filed with the Clerk of Court using the CM/ECF system, which was served via electronic transmission by the Clerk of Court pursuant to local order.

*/s/ Shawn R. Perez, Esq.*

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SHAWN R. PEREZ, ESQ.